

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,
Plaintiff,

v.

JOSHUA FISHER, JACOB W. MAHURON
A/K/A "PRAGMATIC TAX," MATTHEW
ABBOTT A/K/A "NOVA," DAVID
HASTINGS A/K/A "J3STER," TRAVERS
RUTTEN A/K/A "TRAVERS7134," JESSE
WATSON A/K/A "JESSEWATSON3944,"
JOHN DOE NO. 1 A/K/A "CALC" JOHN
DOE NO. 2 A/K/A "CYPHER," JOHN
DOE NO. 3 A/K/A "KHALEESI," JOHN
DOE NO. 4 A/K/A "GOD," JOHN DOE
NO. 5 A/K/A "C52YOU," JOHN DOE NO.
6 A/K/A "LELABOWERS74," JOHN DOE
NO. 7 A/K/A "FRAMEWORK," JOHN
DOE NO. 8 A/K/A "SEQUEL," JOHN DOE
NO. 9 A/K/A "INVITUS," JOHN DOE NO.
10 A/K/A "SINISTER," AND JOHN DOES
NO. 11-50,

Defendants.

Case No. 2:23-cv-01143-MLP

DECLARATION OF DYLAN SCHMEYER
IN SUPPORT OF PLAINTIFF BUNGIE,
INC.'S *EX PARTE* MOTION TO FILE
REQUESTS FOR FURTHER THIRD-
PARTY DISCOVERY UNDER SEAL

NOTE ON MOTION CALENDAR:
March 19, 2024

I, Dylan Schmeyer, declare and state as follows:

1. I am an attorney with Kamerman, Uncyk, Soniker & Klein, P.C., counsel to
Plaintiff in this action. I make this declaration based on my personal knowledge of the facts
herein, and could and would testify to them competently if necessary.

2. Defendants in this case have changed their behavior, probably in response to this

DECLARATION OF DYLAN SCHMEYER
(Case No. 2:23-cv-01143-MLP) – 1

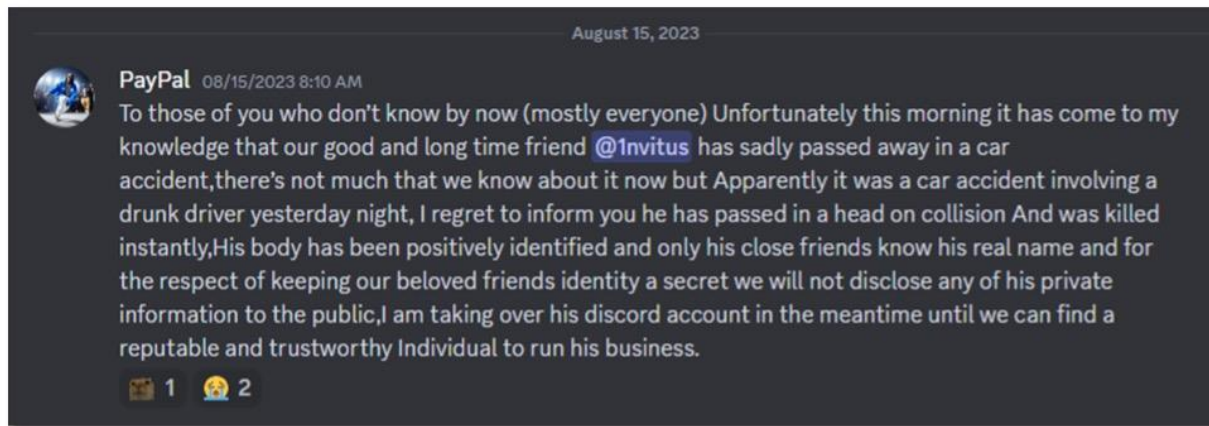
focal PLLC
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lawsuit and others that have been filed against them.

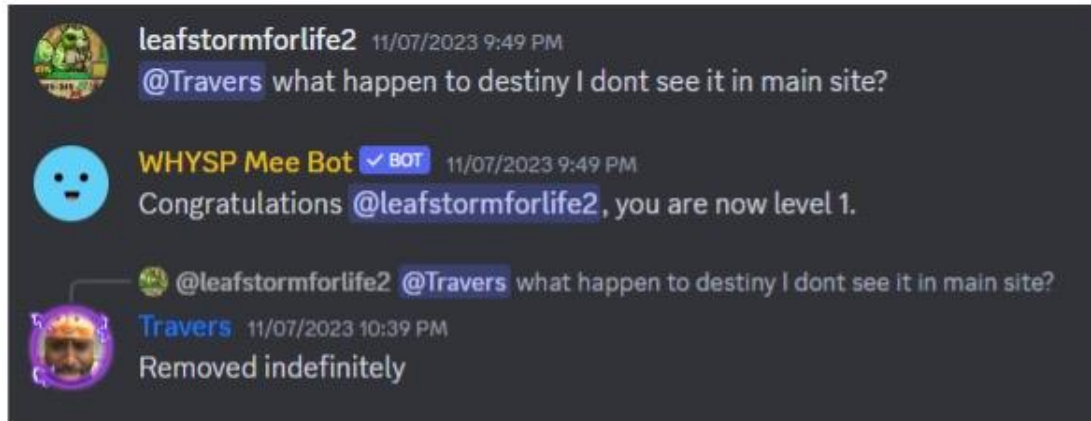
3. For example, after the filing of *Bungie, Inc. v. Thorpe, et al.*, Case No. 3:21-cv-05677 (N.D. Cal.), the developer defendants stopped using contemporaneous Steam accounts for their cheat development and testing on Bungie’s servers and began using very old Steam accounts, likely previously stolen accounts that were purchased in bulk. I believe this change was intended to obfuscate the identities of those defendants.

4. After the filing of *Thorpe*, Defendants also deleted the official Ring-1 Discord server, along with any evidence contained therein. (Dkt. 25 at ¶ 9, Ex. 4.)

5. Additionally, after this case was filed, Defendant Invitus appears to have **faked his own death**, or at least made a very tongue-in-cheek announcement to that effect in the Invitus Discord. (The Discord account “Invitus” has never stopped posting to the Invitus Discord, and there are no signs that a different individual is using the account now than has used it in the past.) A true and correct screenshot of this “announcement” is included below.



6. Moreover, after Bungie filed its October 27th Motion for Expedited Discovery (see Dkt. 24), reseller Defendant Travers Rutten stopped selling the *Destiny 2* cheat altogether. A true and correct screenshot taken from the WhySP Discord confirming Defendant Rutten’s discontinuation of the *Destiny 2* cheat is included below.



7. Following the Court’s November 29, 2023 Order granting Bungie permission to pursue limited third-party discovery (*see* Dkt. 27), Ring-1 cheat developers also deleted accounts and stopped using devices that they had been using to test their cheat software.

8. Additionally, following the Court’s November 29th Order, Defendants substantially altered the configuration and functionality of the cheat loader, citing “safety and security.” I believe this change is intended to prevent Bungie’s anti-cheat software from detecting the loader during ordinary gameplay.

9. Based in part on the above evidence, I believe Defendants are tracking and learning from the cases against them. That, in turn, is likely to increase the difficulty and cost of identifying and locating the remaining Defendants and indeed may even make that venture impossible or at least impracticable.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 19th day of March, 2024, at Thornton, Colorado.

s/ Dylan Schmeyer
DYLAN SCHMEYER